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**LAW OFFICES OF  
DR. MELVIN BLECHER OFFICE OF PETITIONS  
4329 Van Ness Street, NW  
WASHINGTON, D.C. 20016-5625**

**Tel:(202) 363-3338 FACSIMILE: (202) 362-8404  
e-mail:MBiplaw@comcast.net**

**FACSIMILE MESSAGE — PLEASE DELIVER PROMPTLY**

**CONFIDENTIAL TRANSMISSION. IF MISDIRECTED, PLEASE NOTIFY US BY  
TELEPHONE AND RETURN THE ORIGINAL COPY TO THE SENDER.**

**TO: Office of Petitions OF: USPTO  
FAX NUMBER: 703 872 9306  
FROM: Dr. Melvin Blecher  
DATE/TIME: 12/2/2003  
OUR REF. NO.: 64688/153 NO. OF PAGES (INCLUDING COVER): 4  
CLIENT REF.: USSN 09/940,454, Stephan et al.  
RE: Petition to Revive under 37 CFR 137(b)  
MESSAGE**

**Enclosed:**

- 1 Petition To Revive under Rule 137(b)**
- 2 Credit card payment of \$665 fee.**

#8

PTO/SB/04 (11-03) Approved  
for use through 07/31/2008. OMB 0651-0031 U.S. Patent and Trademark Office, U.S.  
DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

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First named inventor: Dietrich A. Stephan

Application No.: 09/940,454

Filed: 08/29/2001

Art Unit:1645

Examiner:TBA

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Title: A Gene-Based Method For Distinguishing Metastatic from Non-Metastatic Forms of a Tumor, and Use in Designing Therapeutic Drugs

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OFFICE OF PETITIONS

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ 665 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity -fee \$ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of: response to Notice to File Corrected Application Papers  
 has been filed previously on 11/10/2003 .

is enclosed herewith.

B. The issue fee of \$ .  
 has been paid previously on .  
 is enclosed herewith.

12/03/2003 HVAJONG1 00000050 09940454

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665.00 DP

3. Terminal disclaimer with disclaimer fee.

As this application was filed on or after June 8, 1995, no terminal disclaimer is required.   
  A terminal disclaimer (and disclaimer fee of \$\_\_\_\_(small entity) or \$\_\_\_\_(large entity)   
 disclaiming the required period of time is enclosed herewith.

STATEMENT: The entire delay in filing the required reply from the due date for the required replay until the filing of a grantable petition under Rule 137(b) was unintentional.

Date: 12/02/2003

  
Signature

Tel. No. 202 363 3338

Dr. Melvin Blecher  
Typed signature

Address: 4329 Van Ness St., NW, Washington, DC 20016-5625

Enclosures:

- Fee payment (by Credit Card payment form)
- Reply
- Terminal disclaimer form
- Additional sheets containing statements establishing unintentional delay.
- Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, POB 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 703 872 9306.

Date: 12/2/2003

  
Signature

Dr. Melvin Blecher, Reg No 33649  
Name of person signing certificate